

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to: <i>Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.</i>	15-cv-9903 (GBD)(SN) ECF Case

**MEMORANDUM OF LAW FOR ENTRY OF PARTIAL
FINAL DEFAULT JUDGMENTS ON BEHALF OF
BURNETT/IRAN PERSONAL-INJURY PLAINTIFFS**

(BURNETT / IRAN PERSONAL INJURY 5)

For the reasons set forth below and in the accompanying declaration of John M. Eubanks (“Eubanks Declaration”), the Plaintiffs identified in Exhibit A to the Eubanks Declaration filed contemporaneously with this application, by and through their counsel, Motley Rice LLC, respectfully move this Court for an Order awarding them (1) compensatory damages for pain and suffering in amounts commensurate with the injuries these individuals sustained during the Terrorist Attacks on September 11, 2001 and in accordance with prior precedent in the U.S. District Court for the District of Columbia in similar cases factoring in an upward departure on damages values based on the indelible impact of the Terrorist Attacks of September 11, 2001; (2) prejudgment interest at the rate of 4.96 percent per annum, compounded annually for the period from September 11, 2001 until the date of the judgment; (3) leave for the *Burnett/Iran* Personal-Injury plaintiffs identified in Exhibit A to seek punitive damages, economic damages, or other damages at a later date; and (4) for any other *Burnett/Iran* Personal-Injury Plaintiffs not appearing on Exhibit A, to submit applications for damages awards in later stages, to the extent such awards have not previously been addressed.

Plaintiffs sued The Islamic Republic of Iran, the Islamic Revolutionary Guard Corps, and the Central Bank of the Islamic Republic of Iran (collectively, “the Iran Defendants”) in connection with the 9/11 Attacks. On December 1, 2016, all plaintiffs in the action *Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.*, Case No. 15-cv-9903 (GBD)(SN) (“*Burnett/Iran*”), moved for judgment as to liability only. 15-cv-9903 ECF Nos. 65, 66, amended on December 6, 2016, 15-cv-9903 ECF Nos. 68, 69. On January 31, 2017, the Court granted plaintiffs’ application for judgment as to liability only. 15-cv-9903 ECF No. 85. The plaintiffs that are party to this application, as identified in Exhibit A, are a subset of the plaintiffs who have been granted judgment as to liability only, and rely on that judgment as to liability only for their request for damages arising from the personal injuries they sustained in the Terrorist Attacks on September 11, 2001. The plaintiffs identified in Exhibit A now request entry of partial final default judgment against the Iran Defendants as to their claims.

I. Procedural Background

A. Related Cases

Relying on evidence and arguments¹ submitted by plaintiffs in *In re Terrorist Attacks on September 11, 2001*, the consolidated multidistrict litigation arising out of the 9/11 Attacks, this Court on December 22, 2011, and again on August 31, 2015, granted Orders of Judgment on Liability in favor of the *Havlish*, *Ashton*, *O’Neill*, *Federal Insurance*, and *Hoglan* groups of plaintiffs against the Iran Defendants (See ECF Nos. 2516, 3014, 3016, 3020, 3020-23). After granting the *Havlish* Order of Default Judgment on Liability, this Court considered the issue of damages suffered by the *Havlish* plaintiffs and their decedents. Upon the submissions of the

¹ In each of the Orders of Judgment regarding plaintiffs’ claims against Iran in the *In re Terrorist Attacks on September 11, 2001* multidistrict litigation, the Court premised its determination “[u]pon consideration of the evidence submitted by the Plaintiffs in filings with this Court on May 19, 2011, July 13, 2011, and August 19, 2011, and the evidence presented at the December 15, 2011, hearing on liability, together with the entire record in this case.” ECF Nos. 2516, 3014, 3016, 3020-22; see also ECF No. 3023 (substantially similar language).

Havlish plaintiffs, on October 3, 2012, this Court found, among other things, that “Plaintiffs may recover for [, inter alia,] solatium . . . in an action under Section 1605A. 28 U.S.C. § 1605A(c)(4). In such an action, . . . family members can recover solatium for their emotional injury; and all plaintiffs can recover punitive damages.” ECF No. 2623 at 2-3, quoting *Valore v. Islamic Republic of Iran*, 700 F. Supp. 2d 52, 83 (D.D.C. 2010). This Court also found that the following solatium awards for family members are appropriate, as an upward departure from the framework in *Estate of Heiser v. Islamic Republic of Iran*, 466 F. Supp. 2d 229 (D.D.C. 2006).

Relationship of Decedent	Solatium Award
Spouse	\$12,500,000
Parent	\$8,500,000
Child	\$8,500,000
Sibling	\$4,250,000

ECF No. 2623 at 4. The Court has applied the same solatium values to claims of other solatium plaintiffs in the *Burnett/Iran* case (ECF No. 3666) and other solatium plaintiffs in other cases coordinated in the *In re Terrorist Attack on September 11, 2001* multidistrict litigation. *See, e.g.*, ECF Nos. 3175 at 2; 3300 at 1; 3358 at 9; 3363 at 16; 3399; and 3977 at 7.

In that same decision in *Havlish*, this Court also found that Plaintiffs are entitled to punitive damages under the FSIA in an amount of 3.44 multiplied by their compensatory damages award. ECF No. 2623 at 5. The Court has applied that 3.44 multiplier also to judgments in the *Ashton* case. *See* ECF No. 3175, at 3 (Report and Recommendation to apply 3.44 punitive multiplier); ECF No. 3229 at 1 (Order adopting in its entirety Report and Recommendation to apply 3.44 punitive multiplier). The Court applied the 3.44 punitive multiplier to the compensatory awards previously awarded in *Burnett/Iran*. ECF No. 3666. However, in *Hoglan*, another case in this multidistrict litigation, Magistrate Judge Netburn recommended that the plaintiffs’ request for punitive damages be denied without prejudice. ECF Nos. 3358 at 11-16 and 3363 at 28. Judge

Daniels adopted Judge Netburn's Reports and Recommendations in their entirety. ECF Nos. 3383 at 2 and 3384 at 6.

B. *Burnett, et al. v. Iran Defendants*

The *Burnett/Iran* plaintiffs filed suit on December 18, 2015, against the Iran Defendants. Service on the Central Bank was effectuated on March 18, 2016, and on Iran and the IRGC on September 14, 2016. 15-cv-9903, ECF No. 67 at ¶¶ 3-4. At Plaintiffs' request, the Clerk of the Court issued a Certificate of Default as to the Iran Defendants on December 5, 2016. 15-cv-9903, ECF No. 67. On December 1, 2016, Plaintiffs requested judgment as to liability against the Iran Defendants, 15-cv-9903 ECF Nos. 65, 66, which application was amended on December 6, 2016 (15-cv-9903, ECF Nos. 68, 69), after the Clerk of the Court issued a Certificate of Default on December 5, 2016. ECF No. 67. The Court granted judgment as to liability against the Iran defendants in favor of all plaintiffs on January 31, 2017. 15-cv-9903, ECF No. 85. On July 31, 2017, June 8, 2018, August 28, 2018, September 13, 2018, September 4, 2018, September 3, 2019, September 6, 2019, September 11, 2019, and December 13, 2019 (ECF Nos. 3666, 4023, 4126, 4175, 4146, 5061, 5062, 5087, 5138, and 5356), the Court granted orders of judgment to different subsets of *Burnett/Iran* plaintiffs who filed for entry of partial final default judgments.

The *Burnett/Iran* plaintiffs identified in Exhibit A now respectfully request that this Court grant them an Order awarding them (1) compensatory damages for pain and suffering in amounts commensurate with the injuries these individuals sustained during the Terrorist Attacks on September 11, 2001 and in accordance with prior precedent in the U.S. District Court for the District of Columbia in similar cases factoring in an upward departure on damages values based on the indelible impact of the Terrorist Attacks of September 11, 2001; (2) prejudgment interest at the rate of 4.96 percent per annum, compounded annually for the period from September 11, 2001

until the date of the judgment; (3) leave for the *Burnett/Iran* Personal-Injury plaintiffs identified in Exhibit A to seek punitive damages, economic damages, or other damages at a later date; and (4) for all other *Burnett/Iran* Personal-Injury Plaintiffs not appearing on Exhibit A, to submit applications for damages awards in later stages, to the extent such awards have not previously been addressed.

II. Damages Under § 1605A

Section 1605A of the Foreign Sovereign Immunities Act (FSIA) creates an exception to sovereign immunity allowing a foreign state to be held accountable for acts of terrorism or the provision of material support or resources for acts of terrorism where the acts or provision of support or resources were engaged in by an official, employee, or agent of the foreign state while acting within the scope of his or her office, employment, or agency. 28 U.S.C. § 1605A(a)(1). The statute specifies that damages are available “for personal injury or death,” 28 U.S.C. § 1605A(a)(1) and (c)(4), and include “economic damages, solatium, pain and suffering, and punitive damages.” 28 U.S.C. § 1605A(c)(4).

A. Personal-Injury Damages

The plaintiffs identified in Exhibit A include individuals who were either on site at the time of the terrorist attacks in New York, New York (at the World Trade Center complex or surrounding area); Arlington, Virginia (in or around the Pentagon); or who were among those who entered the premises in the vicinity of the World Trade Center or the Pentagon and were injured on September 11, 2001. The range of injuries of individuals who were injured on September 11, 2001 range from smoke inhalation and broken bones to devastating burns and loss of limbs. One injury that accompanies the vast majority of these physical injuries is the onset of post-traumatic stress disorder for most of the individuals who were caught in the horror of the attacks on September 11,

2001. Under the FSIA, these injuries are all compensable, and given that these injuries occurred either as a direct result of the attacks, the ensuing chaos from the attacks in the immediate aftermath, or as a result of attempting to assist or render aid to the injured or endangered or to flee from the scene, the proximate causation of these injuries is not in question.

This Court has previously examined personal-injury damages in the context of the terrorist attacks on September 11, 2001. In the first Report and Recommendation issued by Magistrate Judge Netburn addressing personal-injury damages in this context (which was affirmed by Judge Daniels without objection), the Court found that an upward departure from prior D.C. Circuit precedent was appropriate where “personal injury plaintiffs cannot escape the memory of 9/11.” *See* ECF No. 5879 at 5. This accorded with Magistrate Judge Maas’ determination in 2012 that the “profound agony and grief” resulting from the attacks and the “frequent reminders of the events of that day” and “[c]onsidering the extraordinarily tragic circumstances surrounding the September 11th attacks, and their indelible impact on the lives of the victims’ families, I find that it is appropriate to grant the upward departures from the [D.C. District Court] framework that the Individual Plaintiffs have collectively requested.” *Havlish v. bin Laden*, 2012 U.S. Dist. LEXIS 110673, at *105 (S.D.N.Y. July 30, 2012) (adopted by Judge Daniels at *Havlish v. bin Laden*, 2012 U.S. Dist. LEXIS 143525, at *80-*82 (S.D.N.Y. Oct. 3, 2012)).

This Court then established “a baseline award of \$7 million, an upward deviation of \$10 million, and a downward deviation of \$5 million for personal-injury damages for pain and suffering arising from injuries sustained on September 11, 2001. The Court, however, reserved its discretion to award further upward departures in exceptional cases.” *Id.* at 6. The Court divided the categories of injuries into three classifications:

1. “Significant” injuries (presumptively \$5 million for pain and suffering): “single broken bones; cuts/lacerations/bruises; mental health disorders; concussions; being covered in

- dust or debris; significant respiratory ailments including nasal irritations, chest pain, and asthmas from inhalation of smoke, soot and dust; cuts/bleeds; and significant orthopedic injuries such as strains, sprains, or fractures that cause continuing intermittent pain and may require surgery. This category will also include short term or relatively minor non-debilitating physical injuries, or even the absence of serious physical injuries combined with severe emotional injuries.” *Id.* at 6-7.
2. “Severe” injuries (presumptively \$7 million for pain and suffering): “multiple broken bones; burns; significant injuries from falling, being buried, or being trampled; severe orthopedic trauma requiring significant or multiple surgeries and/or causing severe constant pain or debilitation; muscular trauma; mental health trauma and disorders; severe head injuries causing frequent headaches, migraines, or some lasting cognitive impairment; and severe pulmonary or neurological traumas.” *Id.* at 7.
 3. “Devastating” injuries (presumptively \$10 million for pain and suffering): “loss of limbs or multiple digits; severe pulmonary traumas; strokes, paraplegia; traumatic brain injuries causing muscle weakness, atrophy, or severe cognitive impairment; significant disfigurement; severe burns covering significant body area; pulmonary traumatic exposures; and acute systemic trauma. Injuries causing lasting physical effects severely limiting victims’ mobility and activity will generally qualify for this category.” *Id.* at 8.

The Court issued upward or downward departures based on the facts of each case presented. For example, in the case of Plaintiff Lauren Manning, this Court granted an upward departure and found that Manning was entitled to a \$25,000,000 judgment, noting that Manning’s injuries were “beyond devastating”. *See* ECF No. 5955 at 3-4.

B. Punitive Damages

Under the FSIA, plaintiffs are also entitled to punitive damages. *See* 28 U.S.C. §1605A(c)(4). In the *Havlish* Report and Recommendation on Damages, the magistrate judge explained that a “3.44 ratio ‘has been established as the standard ratio applicable to cases arising out of’ terrorist attacks.” (ECF No. ECF 2619, at 13, citing *Estate of Bland v. Islamic Republic of Iran*, 831 F. Supp. 2d 150, 158 (D.C. 2011)). This Court adopted that recommendation and awarded punitive damages on each compensatory damages category at a ratio of 3.44 (punitive) to 1 (compensatory) (ECF No. 2623). The Court has applied that ratio to awards for plaintiffs in other related cases. *See, e.g.*, ECF No. 3175, at 3 (Magistrate Judge Maas Report and

Recommendation to apply 3.44 punitive multiplier); ECF No. 3229, at 1 (Judge Daniels adopting in its entirety Judge Maas' Report and Recommendation to apply 3.44 multiplier); ECF No. 3300, at 1 and Exhibit A (Judge Daniels applying 3.44 punitive multiplier to claims in *Ashton*).

However, in *Hoglan*, another case in the *In re Terrorist Attacks on September 11, 2001* multidistrict litigation, Magistrate Judge Netburn recommended that the plaintiffs' request for punitive damages be denied without prejudice. ECF No. 3363, at 28. Judge Daniels adopted Judge Netburn's Report in its entirety, denying without prejudice the plaintiffs' request for punitive damages. ECF No. 3384, at 6.

In light of the Court's decision in related litigation to defer determination of punitive damage issues until a later stage of the litigation, Plaintiffs herein request leave to address the issue of punitive damages at a later date. *See, e.g.*, ECF No. 3666 (Judge Daniels order in *Burnett/Iran*, authorizing other plaintiffs to make an application for punitive damages at a later date consistent with any future rulings of the Court).

C. Prejudgment Interest

An award of prejudgment interest is within the sound discretion of a trial court and is warranted when plaintiffs are delayed in recovering compensation for non-economic injuries caused by acts of terrorism. *See Baker v. Socialist People's Libyan Arab Jamahiriya*, 775 F. Supp. 2d 48, 86 (D.D.C. 2011). This Court awarded the *Havlish* plaintiffs prejudgment interest at a rate of 4.96% on their pain and suffering damages awards, to be calculated from September 11, 2001 until the date of judgment (ECF 2619 at 13-14). This Court, recognizing that prejudgment interest was appropriate in cases such as this case, adopted the magistrate judge's reasoning, finding that an award of prejudgment interest was appropriate and accepting the rate of 4.96%, as proposed by the *Havlish* plaintiffs' expert.

After the *Havlish* award, plaintiffs in *Ashton* and *Bauer* proposed, and the Court agreed, that prejudgment simple interest at the New York State statutory rate of nine percent per annum was appropriate in cases where the injuries arose in New York and the prejudgment interest used in *Havlish*, 4.96 percent per annum, compounded annually, should be reserved for only those cases where the injuries arose in other states. *See* ECF Nos. 3229 at 2; 3300 at 1; 3341 at 1.

The Second Circuit has held that New York State's statutory prejudgment interest rate should apply to the damages awarded to World Trade Center complex leaseholders in their litigation against American Airlines and United Airlines brought under the federal Air Transportation Safety and System Stabilization Act ("ATSSSA"). *World Trade Farmers Market, Inc. v. American Airlines, Inc. (In Re: September 11th Litigation)*, 2015 U.S. App. LEXIS 16619, *66 (2d Cir. Sept. 17, 2015). In that case, the Second Circuit concluded that a federal cause of action under the ATSSSA must look to state rules concerning prejudgment interest. *Id.* Accordingly, the Second Circuit held that New York's statutory prejudgment interest rate of nine percent as opposed to a lower rate crafted under federal law, had to be applied to the plaintiffs' 9/11 claims. *Id.*

However, more recently, in *Hoglan*, Magistrate Judge Netburn recommended that the 4.96 percent interest rate for prejudgment interest should be applied to all of the solatium claims. ECF No. 3363 at 28-29. Judge Daniels adopted Judge Netburn's *Hoglan* Report in its entirety and applied the interest rate of 4.96 percent per annum, compounded annually to all of the claims. ECF No. 3384 at 6.

In light of the Court's decision in the *Hoglan* matter, applying the 4.96 percent rate to prejudgment interest, the *Burnett/Iran* Plaintiffs identified in Exhibit A respectfully request that

the clerk be directed to award prejudgment interest at the rate of 4.96 percent per annum, compounded annually, running from September 11, 2001 until the date of the judgment.

III. Individualized Case Assessments

While Plaintiffs' motion addresses 51 personal injury claims that cross multiple categories, all of these Plaintiffs but for one were injured at or within close proximity to the World Trade Center. What follows is a summary of the attached proofs.²

A. Jocelyne Ambroise
Injury Category:³ Escape
Severity: Significant

At the time of the 9/11 attacks, Jocelyne Ambroise worked for Union Bank of California on the 14th floor of the South Tower. *See* Eubanks Decl., Exh. B, Decl. of Jocelyne Ambroise at ¶¶ 3-5. After the first passenger jet struck the North Tower, Mrs. Ambroise and her co-workers fled down the stairs of the South Tower. As Mrs. Ambroise arrived at the ground floor of the building, a security guard directed her to get out of the building. After Mrs. Ambroise had quickly

² These are arranged alphabetically.

³ The categories cited are those categories set forth in the January 10, 2020 letter submitted by the Plaintiffs' Executive Committee for Personal Injury and Death Claims. *See* ECF No. 5484 at 13-14. Those categories include the following:

1) **IMPACT INJURY**

Persons physically injured by the impact of the aircraft hitting the WTC I, WTC II, Pentagon, and WTC Marriot (jet fuel burns or blast injuries, jet fuel exposure and damage, broken backs/necks/limbs, paraplegics, orthopedic trauma);

2) **ESCAPE INJURY**

Persons physically injured during the escape from the buildings (those injured descending the long dark staircases, those injured in elevators (i.e. during free falls), those who were trampled while escaping, those who fell and were injured while the Pentagon or WTC, resulting in broken bones, crushed limbs, trauma lacerations, bruising, etc.);

3) **BUILDING COLLAPSE INJURY**

Persons physically injured in either the WTC I or II buildings or Marriot WTC collapse at and around Ground Zero (explosion-like injuries, being buried in rubble, eye or ear damage, head injuries, crushed limbs, multi-system acute traumas, shrapnel like injuries from glass or metal, etc.);

4) **FALLING DEBRIS INJURY**

Persons injured at Ground Zero or Pentagon by falling debris (TBIs, concussions, crushed limbs, variety of physical injuries and traumas);

5) **PULMONARY TRAUMA INJURIES**

Persons who breathed in large quantities of smoke, debris, chemicals, WTC Dust, jet fuel or related toxins at Ground Zero, Pentagon, or Shanksville, PA and whose lungs were burned, damaged and injured on 9/11.

6) **LATENT INJURIES (CANCERS)**

These cases are not contemplated at this time

exited the building and arrived on the opposite side of the street, the second passenger jet struck the South Tower. The impact of the second airplane plunging into the building was like a missile strike. As Mrs. Ambroise attempted to escape the flying building debris, she lost her footing and fell down on the concrete. Due to the force of the impact, her head actually bounced against the concrete, causing a significant head injury. Mrs. Ambroise somehow then managed to escape from the area around Ground Zero. *Id.* at ¶ 5. Mrs. Ambroise sustained serious injuries on September 11, 2001, including a closed head injury and a fractured left shoulder. *Id.* at ¶ 6. For months after the 9/11 attacks, Mrs. Ambroise experienced recurring dreams about the horrors she witnessed that day. *Id.* at ¶ 8.

B. Benjamin Arroyo
Injury Category: Escape
Severity: Significant

On September 11, 2001, Benjamin Arroyo worked as a doorman in the lobby of World Trade Center 3, also known as the Marriott World Trade Center Hotel (Marriott Hotel). *See* Eubanks Decl., Exh. C, Decl. of Benjamin Arroyo at ¶ 3. When Flight 11 struck the North Tower, Mr. Arroyo had been standing in the lobby of the Marriott Hotel. He heard a massive explosion and stepped out to West Street to determine the cause. Walking through the street, Mr. Arroyo saw chaos, bloodshed, and hysteria. *Id.* at ¶ 4. As the second passenger jet struck the South Tower, he realized the World Trade Center had been deliberately attacked by terrorists. *Id.* at ¶ 5. To escape the carnage, Mr. Arroyo ran in the direction of the Hudson River. He heard a thunderous sound and felt the earth shake. Mr. Arroyo watched in horror as the South Tower collapsed and people ran in all directions. He became engulfed in a cloud of smoke, dust, and building debris, and he inhaled large quantities of these substances, causing damage his lungs and respiratory system. Further, as he attempted to flee the area, Mr. Arroyo fell several times, fracturing his

ankle. Despite experiencing extreme pain in his left ankle, he walked in a daze around the city. Mr. Arroyo finally arrived to his home in the Bronx, and he felt extreme pain in his ankle and he had trouble breathing. *Id.* at ¶¶ 6-8. Mr. Arroyo sustained serious injuries, including a broken ankle, right knee effusion, and numerous respiratory and gastroesophageal issues. *Id.* at ¶ 10. Additionally, Mr. Arroyo suffered and continues to suffer from symptoms of severe emotional distress related to the horror and tragic events that he experienced on 9/11. *Id.* at ¶ 11.

C. Prakash Bhatt
Injury Category: Escape
Severity: Significant

On September 11, 2001, Prakash Bhatt worked as a waiter at the Marriott Green Café restaurant located at 3 World Trade Center. *See* Eubanks Decl., Exh. D, Decl. of Prakash Bhatt at ¶ 4. When the first passenger jet struck the North Tower, Mr. Bhatt had been working in the dining room area of the restaurant. *Id.* at ¶ 5. Glass shattered and everyone panicked and started running to avoid the shards of glass falling from the ceiling. Steel beams, airplane parts, and cement debris began falling on top of the restaurant, which was located less than one hundred yards from the North and South Towers. The falling debris and glass slammed into Mr. Bhatt, and he suffered injuries to his neck, lower back, right wrist/hand, right hip, and right elbow. *Id.* at ¶ 6. As he took cover from the falling debris, he saw a beam fall on a restaurant customer, crushing and killing him instantly. He further watched in horror as people fell or jumped from the North Tower. *Id.* at ¶ 7. When Mr. Bhatt finally exited 3 World Trade Center onto the street level, he saw that the road had become impassable due to the cement, building debris, and multiple wrecked vehicles that had piled up in the area. A crowd of people trying to escape the building then knocked Mr. Bhatt to the ground and trampled over him, which caused him to suffer additional injuries to his neck, back, and arm. *Id.* at ¶ 9. After Mr. Bhatt rose back to his feet, he ran to the American Express building to escape the chaos near the North Tower. As he then escaped the area, he watched

in horror as the South Tower and then the North Tower collapsed. He walked across the Manhattan Bridge and finally made it home after being in the area of the carnage at Ground Zero for approximately two or three hours. *Id.* at ¶¶ 10-11. Due to his experiences on 9/11, Mr. Bhatt suffered a cervical neck sprain, a sprain in his lower back, a right elbow injury that led to tendinitis, a left hip injury, and a significant sprain of his right wrist, leading to carpal tunnel syndrome. *Id.* at ¶ 12.

D. Quinceyann Booker-Jackson
Injury Category: Escape
Severity: Significant

Quinceyann Booker-Jackson worked for Unique Security, located on the 61st floor of the North Tower of the World Trade Center. *See* Eubanks Decl., Exh. E, Decl. of Quinceyann Booker-Jackson at ¶ 3. When the first passenger jet collided with the upper section of the North Tower, Mrs. Booker-Jackson was in an elevator that was climbing towards the 61st floor. Following the impact above her location, Mrs. Booker-Jackson's elevator plummeted to the ground floor and the doors then blew open. *Id.* at ¶ 5. As Mrs. Booker-Jackson then managed to exit the North Tower, she encountered chaos outside of the building as everyone frantically tried to escape the area. Mrs. Booker-Jackson saw people falling to their deaths and bodies landing all around her. *Id.* at ¶ 6. As the second airplane then slammed into the South Tower, a man covered Mrs. Booker-Jackson and two others with his body to shield them from the flying building debris. *Id.* at ¶ 7. A police officer then urged Mrs. Booker-Jackson and others to leave the area, so she stopped in a nearby park where others had gathered. *Id.* at ¶ 9. Shortly thereafter, the South Tower began to collapse, and Mrs. Booker-Jackson fell to the ground and was trampled by people trying to flee the destruction at Ground Zero. Mrs. Booker-Jackson fractured her right ankle, and suffered injuries to her back and head. *Id.* at ¶ 12. Thereafter, people helped Mrs. Booker-Jackson to her feet and she struggled to escape the area and board a train to travel home. *Id.* at ¶ 10. The events

of 9/11 had a profound negative impact on Mrs. Booker-Jackson's life, as she did not go outdoors for two years after 9/11. Lastly, she has been unable to work since the 9/11 terrorist attacks, and she has been deemed totally disabled since March of 2003. *Id.* at ¶ 11.

E. Carmen Bridgeforth
Injury Category: Escape
Severity: Devastating (Upward Departure Sought)

At the time of the 9/11 attacks, Carmen Bridgeforth worked for the Port Authority of New York and New Jersey as part of the cafeteria staff on the 43rd floor of the North Tower. Mrs. Bridgeforth's husband, David Allen Bridgeforth, also worked as part of the cafeteria kitchen crew at the time of the 9/11 attacks. *See* Eubanks Decl., Exh. F, Decl. of Carmen Bridgeforth at ¶¶ 3-4. When the first passenger jet struck the upper region of the North Tower, Mrs. Bridgeforth had been stationed at her cash register. She immediately ran to check on her husband, David, and she discovered that David had suffered from severe burns (later categorized as fourth-degree burns) when the grill in the food preparation area had crushed his legs following the impact of the plane hitting the North Tower. *Id.* at ¶ 4. To escape the area, Mrs. Bridgeforth helped David to the stairwell and they descended the forty-three flights of stairs together. During her descent, Mrs. Bridgeforth slipped and fell, significantly injuring her knees and back. *Id.* at ¶ 5. In the chaos and debris cloud that Mrs. Bridgeforth encountered upon exiting the building, she ran into a truck and other objects, further injuring her head, back, and shoulder during her escape. She also inhaled large quantities of smoke and building debris. *Id.* at ¶ 7. Mrs. Bridgeforth's physical injuries sustained on September 11, 2001, included a brain injury, multiple spinal injuries, shoulder injuries, and injuries to her ankles, knees, and legs. Due to her severe smoke and dust inhalation, Mrs. Bridgeforth also suffers from painful nodules in her sinuses and chronic respiratory issues. *Id.* at ¶ 8. Based upon her permanent and debilitating injuries as referenced above and in the

attached Declaration, Plaintiffs submit that Mrs. Bridgeforth should be granted an upward departure from any baseline damages award for the permanent devastating personal injuries she sustained on September 11, 2001.

F. Pasquale Buzzelli
Injury Category: Collapse
Severity: Severe

Pasquale Buzzelli worked as a Project Engineer Manager for the Ports of New York and New Jersey at the time of the 9/11 attacks. His offices were located on the 64th floor of the North Tower. *See* Eubanks Decl., Exh. G, Decl. of Pasquale Buzzelli at ¶ 3. At the time of the impact and explosions associated with the passenger jet, Flight 11, colliding with the upper section of the North Tower, Mr. Buzzelli had been taking the elevator to his office. After assessing the situation and calling his wife to confirm the events above him in the North Tower, Mr. Buzzelli heard the explosions as the second airplane, Flight 175, crashed into the South Tower. Mr. Buzzelli and his coworkers took Stairwell B to escape the building. *Id.* at ¶ 6. As Mr. Buzzelli and his coworkers descended to the 22nd Floor, he suddenly felt the walls of the stairwell buckle around him, and incredibly, he then plunged to the ground on top of some of the concrete debris before being knocked unconscious. When he later awoke, Mr. Buzzelli observed that he was laying on top of a huge pile of fallen North Tower debris at Ground Zero. While he had suffered severe injuries, Mr. Buzzelli had somehow survived the collapse of the North Tower, as well as a 22-story plunge to the ground with over 80-stories of falling North Tower debris around him. *Id.* at ¶¶ 7-9. Several rescue workers subsequently located Mr. Buzzelli and transported him to an area hospital. *Id.* at ¶¶ 11-13. Mr. Buzzelli sustained severe injuries, including fractured bones in his right ankle and impact injuries to his right knee, right leg, right shoulder, and upper neck region. He also suffered multiple lacerations, burns, abrasions, and contusions to various parts of his entire body, including his face and back. Due to the large quantities of debris, dust, and chemicals Mr. Buzzelli inhaled

while caught in the collapse of the North Tower, his fall and ultimate escape from the area, he also suffered from GERD and he developed a stomach ulcer. *Id.* at ¶¶ 14.

G. Richard Martin Bylicki

Injury Category: Falling Debris

Severity: Devastating (Upward Departure Sought)

In 2001, Richard Martin Bylicki, a Sergeant with the New York City Police Department, worked with the New York City Mayor's Office of Emergency Management (OEM) as an Emergency Management Planner. OEM's offices were located on the 23rd floor of 7 World Tower Center. *See* Eubanks Decl., Exh. H, Decl. of Richard Martin Bylicki at ¶ 3. After the collision of the first airplane with the North Tower, Sergeant Bylicki's supervisor, OEM Deputy Commissioner John Oddermatt, instructed Sergeant Bylicki to go and open the entire Citywide Command in 7 World Trade Center, which would give access to all emergency agencies in the area. *Id.* at ¶ 4. At about this time, via closed circuit TV, Sergeant Bylicki watched from one thousand feet away as the second airplane struck the South Tower. Sergeant Bylicki quickly made his way to the Fire Command Post in the North Tower. Moving from 7 World Trade Center to the North Tower, Sergeant Bylicki was forced to step over human bodies and human body parts in making his way to the Fire Command Post. *Id.* at ¶ 6. When Sergeant Bylicki arrived at the North Tower, the South Tower collapsed, he became buried and trapped by the falling debris. While he successfully extricated himself from the collapsed building debris, Sergeant Bylicki suffered injuries to his head and his right hand, and he received multiple scrapes and bruises. Further, due to the thick clouds of smoke, dust, and debris that engulfed him, Sergeant Bylicki inhaled large amounts of this debris and he inhaled numerous toxic substances. To this day, Sergeant Bylicki continues to experience serious lung problems from the dust and debris that he swallowed and inhaled on 9/11. *Id.* at ¶ 7. The specific injuries Mr. Bylicki sustained on September 11, 2001, included: a closed head wound, a permanently dislocated right finger, multiple scrapes, bruises,

contusions, chronic rhinitis, sinusitis, upper respiratory disease, reactive airway dysfunction, obstructive airway disease, lung nodules, GERD, and sleep apnea. *Id.* at ¶ 9. Due to the injuries sustained by Sergeant Bylicki on September 11, 2001, he has been deemed totally disabled by both the NYC Police Department and the Social Security Administration. *Id.* at ¶ 10. Based upon his permanent and debilitating injuries, Plaintiffs submit that Sergeant Bylicki should be granted an upward departure from any baseline damages award for the injuries he sustained on September 11, 2001.

H. Luis Carbonell
Injury Category: Escape
Severity: Significant

At the time of the 9/11 attacks, Luis Carbonell worked as a server in the Tallships Restaurant located in the Marriott Hotel at 3 WTC. *See* Eubanks Decl., Exh. I, Decl. of Luis Carbonell at ¶ 3. As Mr. Carbonell stood inside of the employee's locker room in the North Tower on the morning of 9/11, he felt the building shake as American Airlines Flight 11 struck the upper section. *Id.* at ¶¶ 4-5. Mr. Carbonell attempted to escape the building but he could not exit through the hotel lobby. *Id.* at ¶ 5. He followed a crowd of people to the concourse level of the Trade Center Complex. As Mr. Carbonell attempted to exit the Marriott Hotel onto Liberty Street, he fell to the ground and injured his knee on the floor of the building. Other people trying to escape from the area then trampled over him, which caused injuries to Mr. Carbonell's finger, neck, knee, and ankle. *Id.* at ¶ 7. Despite his injuries, Mr. Carbonell stood up and attempted to run toward the World Financial Center. He then became surrounded by debris and chemicals from the collapse of the South Tower, and he inhaled large quantities of debris. Despite the low visibility conditions, Mr. Carbonell escaped from the area with his knowledge of the World Trade Center's topography. *Id.* As a result of these terrorist attacks, he suffered damage to his left knee, right ankle, and his shoulder, as well as cervical disc herniations and a broken left finger with tendon detachment that

required surgery to repair. Due to his injuries during the collapse and escape, Mr. Carbonell suffers from respiratory issues, including asthma, bronchitis, sinusitis, and rhinitis. *Id.* at ¶ 9.

I. Frank Castrogiovanni
Injury Category: Escape
Severity: Severe

Frank Castrogiovanni worked for Bank of America Securities located in the North Tower of the World Trade Center. When the first airplane struck the North Tower, Mr. Castrogiovanni had arrived at his office on the 81st floor. *See* Eubanks Decl., Exh. J, Decl. of Frank Castrogiovanni at ¶ 3. Along with his co-workers, Mr. Castrogiovanni found a stairwell and eventually descended the 81 floors to the ground level to escape the burning building. Once he had exited the building to the sidewalk area, officers advised Mr. Castrogiovanni to run from the area as the South Tower was collapsing. During his escape, Mr. Castrogiovanni received injuries from the falling building debris, and at some point, he lost consciousness when caught in the collapse. He next remembered waking up in a local hospital later that day while being treated for smoke inhalation lung injuries. Mr. Castrogiovanni suffered injuries to his neck, back, left shoulder and knee in the crush of the debris. *Id.* at ¶ 5. Due to the severity of the various injuries suffered on September 11th, Mr. Castrogiovanni later underwent four major surgeries, including a neck surgery in which his doctors implanted plates and screws in his cervical spine region. *Id.* at ¶ 6.

J. Carmen Colon
Injury Category: Escape
Severity: Significant

On 9/11, Carmen Colon worked for Fiduciary Trust International on the 97th floor of the South Tower. *See* Eubanks Decl., Exh. K, Decl. of Carmen Colon at ¶¶ 4, 6. Upon arriving at work on the morning of September 11th, Mrs. Colon saw a ring of fire surrounding the upper floors of the North Tower. Although she assumed that the North Tower had experienced a fire or bomb event, Mrs. Colon entered the South Tower lobby area and headed towards the elevators. Due to

the confusion in the South Tower lobby, Mrs. Colon made the decision to leave the building. *Id.* at ¶¶ 5-6. After exiting the South Tower and crossing the street, Mrs. Colon watched in horror as the second airplane flew into the South Tower overhead. In her escape, Mrs. Colon became so tense from witnessing the impact and destruction that day that she clenched her jaw so tightly she broke her upper-right dental bridge in her panicked state. *Id.* at ¶ 7. While in the proximity of the World Trade Center Towers, Mrs. Colon inhaled large quantities of building debris and chemicals from the building destruction that emanated from the North and South Towers. In a state of shock from the horror she had witnessed, Mrs. Colon made her way to 32rd Street, where a good Samaritan picked up Mrs. Colon and dropped her off near her home. *Id.* at ¶¶ 9-10. Due to the events of 9/11, Mrs. Colon suffered the following injuries: a broken right-upper dental bridge, asthma, chronic rhinosinusitis, and sleep apnea. *Id.* at ¶ 11.

K. Joel Council
Injury Category: Escape
Severity: Significant

Joel Council worked at The Fitness Company at Three World Trade Center, located at the top of the Marriott Hotel in a building between the North and South Towers of the World Trade Center. *See* Eubanks Decl., Exh. L, Decl. of Joel Council at ¶ 4. At the time of the initial attack on the North Tower, Mr. Council encountered a security guard in the mall area of Three World Trade Center. The guard told him to leave the area as an airplane had struck the building. Shortly after Mr. Council exited the building, the second airplane plunged into the South Tower. While then running to escape the area and the falling debris, Mr. Council tripped and fell over a human body, injuring his left knee, neck, and lower back during the fall. *Id.* at ¶¶ 5-6. Additionally, Mr. Council suffered and continues to suffer from PTSD and other symptoms of severe emotional distress related to the horror and tragic events that he lived through and witnessed on 9/11. *Id.* at ¶ 7.

L. Fernando Cuba
Injury Category: Escape
Severity: Significant

On September 11, 2001, Fernando Cuba worked with Verizon Wireless as a field technician. When the first passenger jet crashed into the North Tower, Mr. Cuba was working on the 11th Floor of the South Tower. *See* Eubanks Decl., Exh. M, Decl. of Fernando Cuba at ¶ 3. Shortly after hearing the explosions in the North Tower, Mr. Cuba exited the South Tower to escape to a safer location. After he exited the building, the South Tower collapsed, and Mr. Cuba severely twisted his left leg and damaged his ankle in his effort to escape the debris and destruction. Unable to further ambulate due to his left ankle injury, Mr. Cuba crawled to a nearby building to shelter himself from the falling bodies and building debris. *Id.* at ¶ 4. Fernando Cuba sustained a ruptured Achilles tendon on his left heel due to the 9/11 attacks, and he later underwent a painful surgery to repair his damaged ankle. *Id.* at ¶ 7.

M. Andres De La Rosa
Injury Category: Escape
Severity: Significant

Andres De La Rosa worked as a busser in the Tall Ships Bar & Grill restaurant of the Marriott World Trade Center Hotel located at Three World Trade Center. *See* Eubanks Decl., Exh. N, Decl. of Andres De La Rosa at ¶ 3. At the time of the initial attack on the North Tower, Mr. De La Rosa had been eating breakfast in the basement cafeteria of the Marriott Hotel. Startled by the sound of the explosion, he ran out of the cafeteria to escape from the area. When he arrived outside of the cafeteria, he saw complete chaos inside of the hotel. As he attempted to run out of the building to safety, Mr. De La Rosa fell to the ground and was knocked unconscious after suffering a closed head injury. *Id.* at ¶ 4. When he later awoke, Mr. De La Rosa was laying in the street outside of the Marriott Hotel. People trying to escape from the World Trade Center area then trampled over Mr. De La Rosa, and he suffered injuries to his back, right shoulder, both hips,

and both legs. Despite his injuries, Mr. De La Rosa stumbled away from the area as the South Tower collapsed. He became engulfed in a thick cloud of dust and building debris, and he inhaled large quantities of debris. EMS personnel then transported Mr. De La Rosa to a local hospital where he received treatment for his inhalation and bodily injuries. *Id.* at ¶¶ 5-6. Additionally, Mr. De La Rosa suffered and continues to suffer from symptoms of severe emotional distress related to the horror and tragic events that he lived through and witnessed on 9/11. *Id.* at ¶ 7.

N. Elaine Duch

Injury Category: Escape

Severity: Devastating (Upward Departure Sought)

At the time of the 9/11 attacks, Elaine Duch worked as a Senior Administrative Assistant for the Real Estate Department of the Port Authority of New York and New Jersey. Mrs. Duch's office was located on the 88th floor of the North Tower of the World Trade Center. *See* Eubanks Decl. O, Decl. of Elaine Duch at ¶ 3. When the first passenger jet crashed into the upper section of the North Tower, Mrs. Duch had been standing in a hallway a few floors below the impact zone. At that moment, the elevator doors flew open and a fireball of fuel and chemicals blew through the elevator shaft. Mrs. Duch became engulfed in flames, receiving horrific burns as a result. *Id.* at ¶ 5. Despite her devastating burns, with the help of her co-workers, Mrs. Duch somehow made it to a stairwell, and she then struggled in extreme pain to walk down the eighty-eight floors of the North Tower to escape from the building. *Id.* at ¶ 6. When Mrs. Duch exited the North Tower at the ground floor of the building, first responders put her on a stretcher and a priest administered last rites due to her grave condition. Medical personnel urgently transported her to St. Vincent's Hospital and then to New York Presbyterian Hospital's Burn Unit. *Id.* at ¶ 6.

Mrs. Duch sustained devastating injuries on September 11, 2001, including the following: third degree burns over seventy-seven percent of her entire body (requiring seven separate surgeries); heterotopic ossification of one of her elbows and several fingers (requiring major

surgeries to address these injuries and allow for placement of titanium pins in some of her badly injured fingers); and thinning of the cornea of her eye, resulting in vision loss and blurred vision. Due to the amount of jet fuel and debris Mrs. Duch inhaled, she suffers from adult respiratory disease syndrome, respiratory failure, nosocomial pneumonia with MRSA, chronic bronchitis, and bilateral hearing loss as a side effect of some of the antibiotic medications that she received to treat infections associated with her burns. *Id.* at ¶ 7. Based upon Mrs. Duch's permanent and debilitating injuries, including her third degree burns over seventy-seven percent of her entire body, Plaintiffs submit that she should be granted a significant upward departure from any baseline damages award for the devastating injuries she sustained on September 11, 2001.

O. Timothy Duffy
Injury Category: Collapse
Severity: Devastating

Timothy Duffy worked as a firefighter with the New York Fire Department (FDNY). At the time of the 9/11 attacks at the World Trade Center, Mr. Duffy had finished his prior shift with the FDNY, and was not scheduled to work. After the passenger jets crashed into the North and South Towers, Mr. Duffy received a call from the FDNY to come to the World Trade Center area. *See* Eubanks Decl., Exh. P, Decl. of Timothy Duffy at ¶ 3-4. Mr. Duffy rode his motorcycle to the area so as to arrive through traffic as quickly as possible, but the South Tower collapsed while he was en route. *Id.* at ¶ 5. Less than a minute after Mr. Duffy arrived at the World Trade Center Towers, the North Tower collapsed and he became partially buried beneath the rubble. When he was able to crawl out from under a pile of concrete and building debris, Mr. Duffy realized he had injuries to his head, neck, and back. Falling glass had struck Mr. Duffy in his eyes. He further inhaled large quantities of dust, chemicals, and inhalants from within the massive debris cloud that surrounded and buried him. *Id.* at ¶ 6. Crawling away from the destruction, Mr. Duffy went into a Brooks Brothers store, and he began to assist others who had been injured. *Id.* at ¶¶ 7-8. After

having rescued several survivors at Ground Zero, Mr. Duffy finally sought treatment for his own injuries at 2:00 a.m. the next day, September 12, 2001. *Id.* at ¶ 9.

Mr. Duffy sustained significant head trauma from falling debris that resulted in concussion syndrome, as well as severe headaches and vertigo that continue through the present. He also suffered injuries to his back and neck, and injuries to his eyes from glass debris. Due to his exposure in the debris cloud, Mr. Duffy suffered and continues to suffer from the following confirmed and diagnosed conditions: squamous cell carcinoma on his chest, asthma; chronic respiratory disorder, chronic rhinosinusitis, GERD with associated sleep apnea, chronic bronchitis, and psoriatic arthritis. *Id.* at ¶ 10. Based upon his permanent and debilitating injuries, Plaintiffs submit that Timothy Duffy should be granted an upward departure from any baseline damages award for the injuries he sustained on September 11, 2001.

P. Gabriel Esposito
Injury Category: Collapse
Severity: Significant

Mr. Gabriel Esposito worked as a firefighter with the New York Fire Department's (NYPD) Engine Number 14. On the morning of 9/11, Mr. Esposito received an emergency call from the NYPD due to the events at the World Trade Center. *See* Eubanks Decl., Exh. Q, Decl. of Gabriel Esposito at ¶ 3. Shortly after arriving in the area to rescue survivors of these horrific terrorist attacks, Mr. Esposito was struck by building debris during the collapse of the South and North Towers. He further inhaled significant quantities of dust, building debris, and chemicals while surrounded by the debris cloud at Ground Zero. Mr. Esposito suffered physical injuries during the above events, including a dislocated ankle, a dislocated hip, a shoulder sprain, and an injury to his elbow. Further, Mr. Esposito suffered and continues to suffer from respiratory and digestive issues related to his exposures on 9/11, including chronic rhinosinusitis and GERD. *Id.* at ¶¶ 4, 6-7.

Q. Edgar Felix
Injury Category: Escape
Severity: Significant

On September 11, 2001, Edgar Felix worked with the Housekeeping/Banquet Department at the Millennium Hotel across the street from the North Tower of the World Trade Center. When the first passenger jet struck the North Tower, Mr. Felix had been standing one level below the lobby of the hotel in an area where the locker room, cafeteria, and security desks were located. *See* Eubanks Decl., Exh. R, Decl. of Edgar Felix at ¶¶ 3-4. Mr. Felix exited the hotel to investigate the situation and saw the second passenger jet strike the South Tower. As Mr. Felix ran from the area to avoid the falling building debris, he fell to the sidewalk and his left knee slammed into the concrete. Further, Mr. Felix inhaled large quantities of dust, building debris, and chemicals into his lungs while attempting to flee the area. Despite his knee injury, Mr. Felix eventually made his way home from Ground Zero on foot. *Id.* at ¶¶ 4, 6. The pain and swelling in Mr. Felix's knee greatly increased following his escape as described above, so he sought medical attention for his knee injury and the injuries to his lungs and digestive system. Mr. Felix suffered torn meniscus in his left knee, which resulted in two knee surgeries, and he has been further diagnosed with restrictive lung disease and GERD due to his toxic exposures. *Id.* at ¶¶ 6-7.

R. Erasmo Fernandez
Injury Category: Escape and Collapse
Severity: Severe

Erasmo Fernandez worked with American Building Maintenance on the 78th floor of the North Tower of the World Trade Center on September 11, 2001. When the first passenger jet struck the North Tower, Mr. Fernandez had been performing maintenance in one of the building elevators. *See* Eubanks Decl., Exh. S, Decl. of Erasmo Fernandez at ¶ 4. Mr. Fernandez heard an incredibly loud explosion that seemed to be just above where he stood on the 78th floor, and his ears immediately began ringing from the sound of the blast. As the building began to shake,

Mr. Fernandez ran to the closest stairwell and he began running down the stairs as quickly as possible. While descending the stairs, Mr. Fernandez fell on the concrete steps, injuring his neck, shoulder, and back. When Mr. Fernandez finally made it to the bottom of the stairwell, the door was locked. But, Mr. Fernandez ultimately located a door in the back of the bottom of the North Tower that he could open to escape the building. When he arrived outside, Mr. Fernandez encountered an incredibly thick cloud of dust and building debris from the collapse of the South Tower, and he inhaled large quantities of debris and chemicals in his lungs and airways. The day after his escape from Ground Zero, Mr. Fernandez sought treatment for his various injuries. *Id.* at ¶ 4. Mr. Fernandez sustained multiple injuries on 9/11, including injuries to his neck, shoulder, back, deafness in his left ear, and chronic bronchitis, GERD/acid reflux, and sleep apnea related to the dust and debris that he inhaled while attempting to escape Ground Zero. *Id.* at ¶ 6.

S. Genoveva “Jenny” Fernandez
Injury Category: Falling Debris
Severity: Severe

Jenny Fernandez worked as a secretary for the New York Housing Authority in the South Tower at the time of the September 11, 2001 attacks. When the second passenger jet, Flight 175, crashed into the South Tower, Mrs. Fernandez had been standing in the lobby floor area of the building. *See Eubanks Decl., Exh. T, Decl. of Jenny Fernandez at ¶¶ 4, 6.* Mrs. Fernandez heard a rumbling sound, and then an incredible explosion blew her backwards onto the lobby floor of the South Tower. As building debris then collapsed into the lobby area, Mrs. Fernandez became trapped beneath concrete and rubble. *Id.* at ¶ 6. Mrs. Fernandez inhaled dust and building debris while trapped under the rubble, and she suffered bruises, scratches, and cuts to her legs, arms, and face. *Id.* at ¶ 6. After several minutes of gasping for air, a group of people rescued Mrs. Fernandez and an ambulance transported her to a nearby hospital for treatment. Mrs. Fernandez suffered and continues to suffer from multiple injuries and conditions due to her experiences on 9/11, including

a chronic cough, chronic sinusitis, nose bleeds, chronic asthma, chronic gastritis, GERD, sleep apnea, and other lung and respiratory problems. Further, due to the injuries to her lower body from the crush of the building debris, Mrs. Fernandez now suffers from inflammation, thrombosis, and other vascular issues with her left leg. *Id.* at ¶ 10. Mrs. Fernandez also suffered and continues to suffer from symptoms of severe emotional distress related to the horror and tragic events that she experienced on 9/11. *Id.* at ¶ 11.

T. Roger Fernandez
Injury Category: Collapse
Severity: Significant

Roger Fernandez worked for Instinet Cleaning Services on the 13th floor of the North Tower at the time of the September 11, 2001 attacks. When the South Tower collapsed, Mr. Fernandez was standing in the Mezzanine level of the North Tower. *See* Eubanks Decl., Exh. U, Decl. of Roger Fernandez at ¶ 4. A thick cloud of smoke and hot building debris suddenly engulfed Mr. Fernandez, and he suffered serious injuries to his eyes, digestive system, and respiratory system as a result of his exposures. After his escape from the North Tower and the area that later became known as Ground Zero, Mr. Fernandez sought immediate medical attention for his injuries. *Id.* at ¶ 7. Mr. Fernandez suffered and continues to suffer from multiple injuries and conditions due to his exposures on 9/11, including corneal erosion of both eyes, corneal edema, chronic sinusitis, high blood pressure, and chronic stomach ailments. *Id.* at ¶ 6.

U. Vincent Ferranti
Injury Category: Escape
Severity: Significant

On September 11, 2001, Vincent Ferranti worked as a bond recovery-treasury specialist for Morgan Stanley on the 5th floor of Five World Trade Center (5 WTC). *See* Eubanks Decl., Exh. V, Decl. of Vincent Ferranti at ¶ 3. Approximately forty-five minutes after arriving at his office on the morning of 9/11, Mr. Ferranti heard a loud explosion and the building trembled.

Looking out the windows, he saw debris and papers falling from above, and numerous people screaming, looking up, and running away from the building. Mr. Ferranti and several co-workers ran to the escalators with hundreds of other people who were hurriedly trying to escape the building. *Id.* at ¶ 4. He emerged on the street into a war zone, and he saw lifeless bodies and carnage everywhere. As Mr. Ferranti ran from the area, someone knocked him over and he fell to the concrete, significantly injuring his right shoulder. *Id.* at ¶ 5. Mr. Ferranti consumed large quantities of dust, debris, and chemicals while trying to escape the area, resulting in long term respiratory injuries. *Id.* at ¶ 12. As Mr. Ferranti attempted to resume his escape from Ground Zero, the second passenger jet slammed into the nearby South Tower. The resulting debris cloud covered Mr. Ferranti in an even more intense cloud of thick smoke and dust, and he inhaled additional toxic substances. *Id.* at ¶ 8. While Mr. Ferranti ultimately escaped the area on foot, he suffered additional injuries to his neck, lower back, and lower extremities while running from the area. *Id.* at ¶ 11. Mr. Ferranti sustained multiple injuries, including a dislocated right shoulder, a cervical neck injury (including bulging discs at the C5-C6 levels), neck spasms, and lower back pain. Further, due to the large quantities of dust, building debris, and chemicals Mr. Ferranti consumed while attempting to escape from the World Trade Center area, he suffered and continues to suffer from chronic migraine headaches, recurrent pneumonia, shortness of breath, and a persistent cough. *Id.* at ¶ 12.

V. Thomas Joseph Forbes
Injury Category: Impact
Severity: Significant

At the time of the 9/11 attacks, Thomas Joseph Forbes was a guest at the Millennium Hotel, which was located across the street from the World Trade Center. His room was located on the 54th floor. Mr. Forbes, a self-employed investment portfolio manager, had arrived previously in New York City to solidify a custodial investment agreement with portfolio manager Cantor

Fitzgerald. *See* Eubanks Decl., Exh. W, Decl. of Thomas Joseph Forbes at ¶ 4. As Mr. Forbes prepared to check out of his room, he heard the rumble of the first passenger jet as it collided with the North Tower. Mr. Forbes then heard an announcement over the hotel's public address (PA) system that instructed all Millennium Hotel guests to remain in their rooms. Suddenly, the second passenger jet struck the South Tower, and the force of the impact blew Mr. Forbes backwards in his room. *Id.* at ¶ 4. Mr. Forbes's head struck a marble shelf protruding from the wall in the room, and he received lacerations and bruises to his neck and back. While attempting to break his fall, Mr. Forbes dislocated his left elbow. *Id.* at ¶¶ 4, 6.

The hotel's PA system then announced everyone should flee the hotel. Mr. Forbes quickly descended the fifty-four flights of stairs to the hotel lobby, where he encountered pandemonium and destruction upon exiting. The injuries Mr. Forbes sustained on September 11, 2001, included: dislocated elbow, cuts and bruises to his neck and back, PTSD, anxiety and depression. *Id.* at ¶ 6.

W. Leileth Foster
Injury Category: Escape
Severity: Severe

On September 11, 2001, Leileth Foster worked at the Marriott Hotel as a security guard, and her primary responsibility included patrolling the lobby area of the hotel. *See* Eubanks Decl., Exh. X, Decl. of Leileth Foster at ¶ 3. When the first passenger jet flew into the North Tower, Mrs. Foster had been standing in the lobby performing her duties. *Id.* at ¶ 4. Law enforcement officers quickly approached and asked Mrs. Foster to open the building exit from the Tall Ship bar area of the hotel. *Id.* at ¶ 4. When Mrs. Foster opened the doors to the exit area, hotel guests who had gathered at the exit began to panic. In the hysteria and confusion, people hurriedly trying to exiting the hotel trampled over Mrs. Foster, and she received injuries to her back, both knees, and both ankles. An unknown person then picked Mrs. Foster up and helped her out of the building, where she encountered what resembled a war zone. *Id.* at ¶ 5-6. Ultimately, following her escape

from Ground Zero, Mrs. Foster received medical treatment for her injuries, which included a back injury, torn ligaments in her right and left ankle (requiring two surgeries to repair), and torn meniscus in her right and left knee (also requiring two surgeries to repair). *Id.* at ¶ 7.

X. Henry Fuerte
Injury Category: Impact
Severity: Significant

Henry Fuerte worked on the 95th floor of the North Tower as an information technology professional for the March & McLennan Company, Inc. *See* Eubanks Decl., Exh. Y, Decl. of Henry Fuerte at ¶ 4. On September 11, 2001, Mr. Fuerte stood on the 78th floor waiting for a second elevator to take him to his office when the first passenger jet struck the upper section of the North Tower. As Mr. Fuerte stepped onto the second elevator, the force of the blast blew him out of the elevator, causing significant injury to his back. Mr. Fuerte also suffered eye injuries due to the impact of flying debris from the force of the blast. *Id.* at ¶¶ 4, 7. Mr. Fuerte somehow then found an exit to the stairwell, and he managed to descend the seventy-eight floors and exit the building despite his injuries. Upon exiting the North Tower, Mr. Fuerte encountered atrocities, and he was surrounded by death and destruction. As he quickly walked towards the Brooklyn Bridge, at approximately 10:30 a.m., Mr. Fuerte saw the South Tower collapse. *Id.* at ¶ 6. Mr. Fuerte subsequently endured six-to-nine months of physical therapy to heal his injured back. *Id.* at ¶ 7. Further, please note that all of Mr. Fuerte's pertinent medical records related to the above 9/11 injuries were later destroyed by Hurricane Sandy on October 29, 2012. *Id.* at ¶ 9.

Y. Carmela M. Harrison
Injury Category: Impact
Severity: Severe

Carmela M. Harrison worked for Fiduciary Trust Company International on the 90th floor of the South Tower. As Mrs. Harrison worked at her desk, she received word that the first airplane had struck the North Tower. *See* Eubanks Decl., Exh. Z, Decl. of Carmela M. Harrison at ¶¶ 3, 4.

As Mrs. Harrison and others descended the stairs of the South Tower and arrived at around the 50th floor, the second airplane struck the building. The force of the blast knocked Mrs. Harrison down the stairwell, severely injuring her back. People who had been above Mrs. Harrison's position and also descending the stairs fell on top of her, further injuring her neck, back, and arm. *Id.* at ¶¶ 5, 6. Specifically, Mrs. Harrison suffered cervical and lumbar disc injuries, as well as nerve damage in her arm. *Id.* at ¶ 7. Mrs. Harrison continues to suffer from agonizing back pain since the 9/11 attacks, and she continues to receive treatment in the form of physical therapy, joint injections, and acupuncture in an effort to heal from her physical injuries. *Id.* at ¶ 7.

Z. Elaine Helms
Injury Category: Escape
Severity: Severe

Elaine Helms worked as a Security Officer for Unique Security Guard Services in the South Tower. On September 11, 2001, Mrs. Helms was in the lobby of the Visitors' Center in the South Tower when the first passenger jet struck the North Tower. *See* Eubanks Decl., Exh. AA, Decl. of Elaine Helms at ¶ 3. As the building debris from the North Tower began to cascade and crash to the ground around the South Tower, everyone around Mrs. Helms began to panic and run. *Id.* at ¶ 4. Mrs. Helms watched the upper section of the North Tower and witnessed horrible images of people on fire falling to their deaths from the concourse between the North and South Towers. *Id.* at 4. In her escape of the South Tower, she fell and was trampled by others as they rushed through the exit. When she fell, she suffered significant injuries to her back, neck, left hip, left wrist, and left shoulder. Despite these painful injuries, Mrs. Helms stumbled to her feet to attempt to escape the area. As Mrs. Helms exited to the area outside of the South Tower, the second passenger jet struck the building, and a huge debris cloud descended over the area. *Id.* at ¶ 5. In the chaos, Mrs. Helms waded through the building debris, dust, and chemicals, in an effort to escape, inhaling large amounts of this deadly debris as she left the area. *Id.* at ¶ 6. Eventually,

emergency personnel transported Mrs. Helms to Meadowlands Hospital where she received treatment for her numerous injuries, which included a spinal disc herniation at the L5-S1 level, derangement of the lumbosacral spine, bulging discs at the C5-6 and C6-7 levels, a left hip sprain, a left wrist sprain, a left shoulder sprain, and a left ankle sprain. Due to the toxins that Mrs. Helms inhaled on 9/11, she suffered and continues to suffer from severe headaches and severe respiratory issues. Mrs. Helms further suffered from a collapsed lung on three occasions due to her respiratory issues, and she ultimately underwent a lobectomy procedure. *Id.* at ¶¶ 7-8.

AA. Patrick Imperato
Injury Category: Escape
Severity: Significant

In September of 2001, Patrick Imperato worked as a Senior Technical Engineer at AMC Computers (formally known as “Word Pros”), located at 129 West 27th Street in New York City. *See* Eubanks Decl., Exh. BB, Decl. of Patrick Imperato at ¶ 3. On the morning of September 11, 2001, Mr. Imperato was headed to a class in the South Tower. Mr. Imperato exited the train near the North Tower at approximately 9:00 a.m., and a police officer directed all travelers to leave the station via a stairwell. Looking up, he saw the huge opening in the upper section of the North Tower with thick black smoke rising above it. *Id.* at ¶ 4. Approaching the South Tower, Mr. Imperato heard people shouting to get away from the building. Looking up, Mr. Imperato witnessed the second passenger jet slamming into the South Tower, and a huge fireball ejected from the building. He could feel the heat from the fireball that blew out of the South Tower. As Mr. Imperato quickly turned to run away from the area, he fell to the ground and sustained a significant injury to his left knee. *Id.* at ¶ 5. Despite his significant knee pain, Mr. Imperato fled from the area in front of the South Tower as quickly as he could. A store owner let him use their telephone so he could call his wife, as well as his office, to let them know that he had been injured, but he had survived the attacks at the World Trade Center. As he limped away from the area and

arrived at Canal Street and 6th Ave, Mr. Imperato watched as the South Tower collapsed. *Id.* at ¶ 6. As a result of the attacks, Mr. Imperato suffered a torn meniscus in his left knee that required surgery to repair. *Id.* at ¶ 7.

BB. Rafaela Martinez
Injury Category: Escape
Severity: Severe

Rafaela Martinez worked as an employee of OneSource Energy Services, Inc. On the morning of September 11, 2001, Mrs. Martinez traveled to OneSource's offices located at 1 Bowling Green in New York City to assist the OneSource Chief Engineer, Joe Grochowski, with paperwork. *See* Eubanks Decl., Exh. CC, Decl. of Rafaela Martinez at ¶¶ 3-4. As Mrs. Martinez assisted with the paperwork project, the terrorist attacks occurred at the nearby World Trade Center Towers. Mrs. Martinez witnessed in horror as the Towers burned and victims fell or jumped to their deaths. *Id.* at ¶¶ 5, 7. As Mrs. Martinez and others then exited the building and she arrived at the street level to escape, the South Tower collapsed and she became trapped in the dust and debris cloud that had descended over this section of New York City. *Id.* at ¶ 5. Due to the incredible thickness of the debris cloud, Mrs. Martinez became unable to breathe, she lost consciousness, and fell to the pavement. When she later awoke, hospital personnel informed Mrs. Martinez that she had been evacuated to Bayonne Hospital after she had lost consciousness and collapsed. Due to her injuries from the above events, Mrs. Martinez remained in the hospital for two days after the 9/11 attacks. *Id.* at ¶ 5. Mrs. Martinez sustained serious injuries on 9/11, including a sprained right hand, leg contusions, post-concussion syndrome, asthma, chronic obstructive pulmonary disease, and sleep apnea. *Id.* at ¶¶ 6, 8. Further, due to her extreme emotional trauma and PTSD related to the above events, Mrs. Martinez has attempted suicide on four separate occasions since 9/11. *Id.* at ¶¶ 7, 9.

CC. Nexhat Mela
Injury Category: Escape
Severity: Severe

On September 11, 2001, Nexhat Mela worked with Triangle Services as a maintenance worker. Mr. Mela had been making repairs on the 7th floor of One Liberty Plaza (across the street from the World Trade Center) when the terrorist attacks occurred. *See* Eubanks Decl., Exh. DD, Decl. of Nexhat Mela at ¶ 3. Mr. Mela immediately took the emergency service elevator to the 1st floor. When he exited the building, the second airplane plunged into the South Tower. While trying to escape, Mr. Mela fell several times, and multiple people began stepping on him as they attempted to escape. Mr. Mela sustained significant injuries to his back and neck as a result of being trampled in the chaos. As Mr. Mela then rose to his feet and ran away from Ground Zero, he began to experience heart palpitations from all of the intense stress he was experiencing. Mr. Mela also experienced dizziness and shortness of breath from all of the building debris and the dust that he inhaled as he escaped from Ground Zero. *Id.* at ¶ 4. Mr. Mela sustained multiple injuries on September 11, 2001, including injuries to his cervical and lumbar spine, paroxysmal arterial fibrillation, dizziness, dyspnea due to exposure to excessive dust and trauma, allergic conjunctivitis to both eyes, a lung nodule, obstructive sleep apnea, periodic limb movement disorder, post-traumatic stress disorder, panic attacks, and anxiety. *Id.* at ¶ 6. Due to these physical and mental injuries, Mr. Mela has been deemed functionally and totally disabled. *Id.* at ¶ 7.

DD. Roberto Mesa
Injury Category: Escape
Severity: Severe

At the time of the 9/11 attacks, Roberto Mesa worked as a maintenance employee with American Building Maintenance Industries, Inc. When the first passenger jet, Flight 11, struck the North Tower, Mr. Mesa had been working on the 68th floor. *See* Eubanks Decl., Exh. EE, Decl. of Robert Mesa at ¶ 3. Mr. Mesa headed for a stairwell in order to find safety and he quickly

began to descend the sixty-eight floors. During his long and hectic climb down the stairs, Mr. Mesa fell down the concrete steps and severely injured his left knee and his right shoulder. *Id.* at ¶ 3. Shortly after 9/11, doctors informed Mr. Mesa that his injuries included internal derangement of the left knee and right shoulder impingement syndrome. *Id.* at ¶ 4. Mr. Mesa continued to seek treatment from numerous doctors for his increasingly painful left knee injury, but the damage to his knee became progressively worse. *Id.* at ¶¶ 4-8. Mr. Mesa's knee condition continued to deteriorate over the years, and, in 2015, Mr. Mesa underwent bilateral simultaneous total knee replacement surgery to address his ongoing knee problems caused by the 9/11 attacks. *Id.* at ¶ 9. Following his knee surgery, Dr. Scott Marwin found that Mr. Mesa was totally disabled. *Id.* at ¶ 9.

EE. Ram Anthony Mohabir
Injury Category: Escape and Collapse
Severity: Severe

On September 11, 2001, Ram Anthony Mohabir worked as an operations engineer with ABM Engineering Services in the North Tower of the World Trade Center. *See* Eubanks Decl., Exh. FF, Decl. of Ram Anthony Mohabir at ¶¶ 3, 4. When the first passenger plane struck the North Tower, Mr. Mohabir was working on the 75th floor, and he decided to exit the building. *Id.* at ¶ 4. As Mr. Mohabir quickly ran down the closest stairwell, he tripped and fell into a concrete wall, and he suffered injuries to his head, back, neck, right shoulder, and both wrists. Others in the stairwell area then trampled over Mr. Mohabir as they scrambled to descend the stairs, and he suffered additional injuries. As he then arrived at the bottom of the stairwell and exited the building at the plaza level, Mr. Mohabir was knocked to the ground by the force of the blast of the second airplane crashing into the South Tower. Regaining his feet, Mr. Mohabir felt an incredibly loud ringing sensation in both of his ears from the explosion. *Id.* at ¶ 5. Mr. Mohabir then began to run away from the falling debris at Ground Zero. After running a few blocks away, Mr. Mohabir

collapsed from exhaustion. A thick cloud of dust, glass flakes, and building debris then surrounded him related to the collapse of the South Tower. Due to the density of the debris cloud, Mr. Mohabir felt like he could not breathe, and he inhaled large quantities of the debris toxins. His eyes also began to burn from the exposure to the debris cloud. *Id.* at ¶¶ 6-7. Mr. Mohabir sustained multiple serious injuries on 9/11, including post-concussion syndrome, bilateral hearing loss, cervical, thoracic, and lumbar sprains, a right shoulder injury that resulted in rotator cuff surgery, corneal injuries to both eyes, bilateral carpal tunnel syndrome in both wrists, asthma, reactive airways dysfunction syndrome (RADS), a chronic respiratory disorder, and obstructive sleep apnea.

FF. Omar Mota
Injury Category: Escape
Severity: Significant

Omar Mota worked for American Building Maintenance Industries, Inc., as an elevator operator. At the time of the 9/11 attacks, Mr. Mota had been operating the freight elevator in the South Tower. *See* Eubanks Decl., Exh. GG, Decl. of Omar Mota at ¶¶ 3, 4. When the second airplane struck the South Tower, Mr. Mota's elevator shook violently and building debris fell on him inside of the elevator, significantly injuring his neck. *Id.* at ¶¶ 4, 6. Doctors later determined that Mr. Mota had suffered cervical and lumbar derangement as a result of the events of 9/11. *Id.* at ¶¶ 6-7. Mr. Mota was able to escape from the elevator, and he evacuated the South Tower using the stairwell. Mr. Mota encountered carnage and destruction outside of the South Tower, but he was able to leave the area and eventually board a bus to his home in the Bronx. *Id.* at ¶ 4. After Mr. Mota had traveled a few blocks away from the World Trade Center area, he watched as the South Tower collapsed. *Id.* at ¶ 4. Due to the atrocities that Mr. Mota witnessed on September 11, 2001, he also suffered for years from PTSD and emotional distress. *Id.* at ¶ 8.

GG. Daniel Arthur Narlock
Injury Category: Escape
Severity: Severe

Daniel Arthur Narlock worked for Morgan Stanley on the 61st floor of the South Tower at the time of the 9/11 terrorist attacks. *See* Eubanks Decl. HH, Decl. of Daniel Arthur Narlock at ¶ 3. After the first passenger airplane plunged into the North Tower, Mr. Narlock decided to exit the South Tower. *Id.* at ¶ 4. Mr. Narlock headed down one of the South Tower stairwells, but as he arrived at the 57th floor area, the second airplane crashed into the building just above his position. The impact of the resulting explosion threw Mr. Narlock down the stairway and onto the concrete steps, and as a result, Mr. Narlock suffered a broken right foot and ankle. Determined to escape the building despite his injuries, Mr. Narlock picked himself up and once again began the agonizing climb down the South Tower stairwell. *Id.* at ¶ 4. Within minutes, smoke and debris filled the stairwell such that Mr. Narlock was unable to see more than a few feet in front of his face and he had great difficulty breathing. He inhaled large quantities of dust, debris, and chemicals, causing significant damage to his lungs and respiratory system. *Id.* at ¶ 4.

After finally reaching the bottom floor and exiting the South Tower, Mr. Narlock encountered the bodies of people who had been blown out of the buildings and those who had jumped or fallen to their deaths. He managed to walk just a block away from the area when the South Tower collapsed. Mr. Narlock was again swallowed by a cloud of debris, concrete dust, and chemicals. After briefly hiding inside a nearby business, Mr. Narlock finally escaped from the area surrounding Ground Zero. *Id.* at ¶ 5. Mr. Narlock suffered a broken right foot and ankle during the 9/11 attacks. Due to the debris that he inhaled in the stairwell and following the collapse of the South Tower, Mr. Narlock further developed emphysema, COPD, asthma, and seizures. *Id.* at ¶ 6.

HH. Eugene F. O'Reilly**Injury Category:** Falling Debris and Escape**Severity:** Severe

On September 11, 2001, Eugene F. O'Reilly worked as a lieutenant with the New York Fire Department. Although his duty shift had not yet begun, Lieutenant (Lt.) O'Reilly saw the second passenger jet collide with the South Tower and he knew that he would be needed at the World Trade Center. Along with other firefighters, Lt. O'Reilly commandeered a New City Transit Authority bus to take them to the World Trade Center Towers, and they arrived just as the South Tower collapsed. *See* Eubanks Decl., Exh. II, Decl. of Eugene F. O'Reilly at ¶ 4. While Lt. O'Reilly assisted victims at the scene of Ground Zero, he inhaled large quantities of dust and debris from the collapsed South Tower. As the North Tower then began to collapse, Lt. O'Reilly ran to escape from the area and attempted to jump off of a pier and onto a barge in the Hudson River. Upon falling on the barge, Lt. O'Reilly suffered a right proximal shoulder fracture which required surgery to repair. *Id.* at ¶¶ 5-6. Further, due to his exposures at Ground Zero on 9/11, Lt. O'Reilly later developed asthma (requiring a portable breathing device). *Id.* at ¶¶ 5, 8, 10.

II. Angel R. Ortiz**Injury Category:** Escape**Severity:** Significant

On September 11, 2001, Angel R. Ortiz (deceased) worked as a banquet waiter at the Marriott World Trade Center. *See* Eubanks Decl., Exh. JJ, Decl. of Lisa Ortiz as Personal Representative for the Estate of Angel R. Ortiz at ¶¶ 3, 4. When the first plane struck the North Tower, Mr. Ortiz was preparing banquet tables in a third floor ballroom. *Id.* at ¶ 4. He decided to evacuate the building as he saw that a pool located on the fourth floor had been damaged by the force of the blast. As Mr. Ortiz ran out of the back entrance of the North Tower and tried to reach his vehicle across the street, the second passenger jet struck the South Tower. *Id.* When he reached his vehicle, Mr. Ortiz could not move it as debris and deceased persons were on top of the vehicle.

Mr. Ortiz witnessed people jumping or falling from buildings, and those injured and bleeding all around him. Mr. Ortiz tried to run from the area, but he became engulfed in clouds of thick smoke and building debris. Mr. Ortiz then fell and broke his left ankle. *Id.* at ¶¶ 4, 6. When he finally made it home despite his ankle injury, Mr. Ortiz noticed that the work uniform that he had been wearing was now covered in grey soot from the building debris that he encountered at Ground Zero. *Id.* at ¶ 4. Mr. Ortiz further developed post-traumatic stress disorder (“PTSD”) due to the events that he witnessed while attempting to escape the area. *Id.* at ¶ 6. Due to the severity of his PTSD, doctors later determined that Mr. Ortiz was permanently disabled due to his impairment. *Id.* at ¶ 7.

JJ. Pedro Pichardo
Injury Category: Impact and Escape
Severity: Severe

At the time of the 9/11 attacks, Pedro Pichardo worked as a maintenance employee with American Building Maintenance. When the first passenger jet struck the North Tower, Mr. Pichardo was on the 58th floor of the South Tower and had just boarded an elevator. *See* Eubanks Decl., Exh. KK, Decl. of Pedro Pichardo ¶ 3-4. Following the impact of Flight 11 with the North Tower, he quickly took the elevator down to the 44th floor so that he could catch an express elevator up to the 81st floor to locate his wife and help her escape. But, despite all of his efforts to reach his wife and escort her to safety, the tide of people rushing down the stairwell forced Mr. Pichardo to go down as well. *Id.* at ¶ 5. When he reached about the 40th floor in the stairwell, the building shook violently. United Airlines Flight 175 had just plunged into the South Tower. The impact of the explosion threw Mr. Pichardo forward, and he struck the floor with his head and chest. A large number of people fell on top of him, and others trampled his legs as they tried to run down the steps. Mr. Pichardo then somehow managed to escape down the stairwell and out into the debris field despite the multiple injuries to his legs and back. Mr. Pichardo finally

made it home later that evening, where he was reunited with his wife who had also managed to escape the South Tower. *Id.* at ¶ 6-10. Mr. Pichardo's multiple injuries from 9/11 included a peripheral tear of the cartilage and ligaments in his left knee, an injury to his right knee, herniated discs in his cervical and lumbar spine, a right ankle sprain, facial burns, respiratory issues, blunt head trauma, a cerebral concussion, and post-concussion syndrome. He further developed post-traumatic stress disorder ("PTSD") due to the events that he witnessed while escaping. *Id.* at ¶¶ 11-12.

KK. Edward Joseph Prince
Injury Category: Collapse
Severity: Severe

At the time of the 9/11 attacks, Edward Prince worked as a firefighter with the New York Fire Department. After the first plane plunged into the North Tower, Mr. Prince's fire station received an alert about an airplane accident. Mr. Prince immediately called his wife who worked in the South Tower and told her to evacuate the building immediately. *See* Eubanks Decl., Exh. LL, Decl. of Edward J. Prince at ¶¶ 3-4. After the second plane hit the South Tower, every available firefighter unit was called to lower Manhattan. When Mr. Prince reached the World Trade Center area, the South Tower began to collapse. As the debris from the collapsing South Tower began to cascade around the World Trade Center area, Mr. Prince worked to save people who had been injured by falling debris. During the course of assisting victims in the chaos, debris and collapse, Mr. Prince inhaled and consumed large levels of smoke, dust, and debris, and he injured his back and neck. *Id.* at ¶¶ 4-5. Specifically, Mr. Prince suffered bulging discs in his neck and lower back, nerve damage in his neck, a shoulder injury, chronic sinusitis, rhinosinusitis, GERD, persistent headaches, a deviated nasal septum, and laryngopharyngitis. *Id.* at ¶¶ 9, 11. Tragically, Mr. Prince finally received the news his wife perished on 9/11 in the collapse of the South Tower. *Id.* at ¶ 7.

LL. Godwin Quinones
Injury Category: Escape
Severity: Significant

At the time of the 9/11 attacks, Godwin Quinones worked as a maintenance porter with American Building Maintenance. While Mr. Quinones was in the basement of the North Tower, he heard loud explosions coming from the elevator shafts. *See* Eubanks Decl., Exh. MM, Decl. of Godwin Quinones at ¶¶ 3-4. He decided to escape from the North Tower and run to the area of the loading docks. During the course of his escape, Mr. Quinones pulled a man out of an elevator shaft that had been engulfed in flames and he helped the man escape through the loading docks. *Id.* at ¶¶ 5-6. Further, while using a stairway to escape the building, a panel in the stairway collapsed and fell, crushing Mr. Quinones' left shoulder, forearm, and hand. Before exiting the building, Mr. Quinones also helped several other survivors to safety despite the risks and despite seeing horrific events around him. *Id.* at ¶¶ 7-8. As the second passenger jet then struck the South Tower, Mr. Quinones had to duck to avoid falling debris from the explosion, and he inhaled and consumed large quantities of debris and toxic inhalants in the process. Mr. Quinones ran towards the Brooklyn Bridge and watched in horror as the smoke, fire, and debris rained down around the area of the World Trade Center Towers. *Id.* at ¶ 8. During the course of the 9/11 terrorist attacks and his escape, Mr. Quinones suffered a sprained left shoulder and injuries to his left forearm, left hand, and left wrist. He further suffered, and continues to suffer, from shortness of breath, bronchitis, pneumonitis, a chronic cough, GERD, and diffuse headaches related to the dust, smoke, and building debris that he consumed while escaping Ground Zero. *Id.* at ¶¶ 10, 12.

MM. Nelson Rocha
Injury Category: Escape
Severity: Significant

At the time of the 9/11 attacks, Nelson Rocha worked as a member of the wait staff within the Greenhouse Restaurant of the New York Marriott Hotel located at 3 World Trade Center.

Following the collision of the first passenger jet with the North Tower, Mr. Rocha headed to the stairs within his building to escape the area. As he ran down the stairway, Mr. Rocha slipped and fell, fracturing his left kneecap. *See* Eubanks Decl., Exh. NN, Decl. of Nelson Rocha at ¶¶ 3-4. Despite his significant injury, Mr. Rocha exited 3 World Trade Center after limping down the remaining stairs to the ground floor. *Id.* at ¶ 4. Once outside, Mr. Rocha was surrounded by falling building debris and the horrible sight of dead bodies and body parts. Although Mr. Rocha struggled to leave the area of Ground Zero due to the severity of his knee injury, he eventually found a taxi to take him to the hospital for treatment. *Id.* at ¶ 5. Doctors performed surgery on Mr. Rocha's left knee on September 14, 2001, to repair his fractured left patella. This surgery included the permanent implantation of hardware, including a tension band and "figure 8" wiring. Since that time, Mr. Rocha has continued to experience significant pain and decreased range of motion with his left knee. *Id.* at ¶ 6. Further, due to his horrid experiences on 9/11, doctors diagnosed Mr. Rocha with PTSD in 2006. *Id.* at ¶ 7. Mr. Rocha continues to suffer from mental anguish caused by the attacks on the World Trade Center. *Id.*

NN. Arnold John Roma
Injury Category: Collapse
Severity: Severe

At the time of the 9/11 terrorist attacks, Arnold Roma, a former police officer and a registered nurse, worked as a volunteer firefighter with the Richmond Engine Company Number 1 from Staten Island, New York. After the first passenger jet struck the North Tower, Richmond Engine Company dispatched Mr. Roma to the South Tower. *See* Eubanks Decl., Exh. OO, Decl. of Arnold John Roma at ¶¶ 3-4. After arriving at the South Tower, Mr. Roma entered the Marriott Hotel lobby looking for his Battalion Chief. Mr. Roma then heard what sounded like a train engine and he was buried in the building debris from the collapsing South Tower. After about thirty minutes of effort, Mr. Roma then extricated himself from the building destruction. He then pulled burning victims

from the elevators near the exits of the South Tower. Mr. Roma then made his way to the street level. The North Tower then collapsed, and Mr. Roma was crushed by falling debris. Due to the incredibly thick and toxic debris cloud that surrounded Ground Zero, Mr. Roma consumed and inhaled large quantities of smoke and dust. Medical personnel managed to take Mr. Roma by boat to New Jersey, where they transported him to St. Francis Hospital. *Id.* at ¶ 5. Mr. Roma suffered significant injuries during the events of 9/11, including a torn rotator cuff in his right shoulder, bilateral corneal abrasions, cuts and bruises over his body, reactive airway disease, esophageal reflux, COPD, and asthma. *Id.* at ¶ 6. Due to his permanent disabilities caused by the events of 9/11, Mr. Roma has not been able to return to work as a registered nurse. *Id.* at ¶ 9. Mr. Roma also suffered from PTSD due to the events of 9/11, and he tragically lost his youngest son, Keith, who was killed during these terrorist attacks while working as a member of the New York Fire Patrol. *Id.* at ¶¶ 7, 10.

OO. Jose Sanchez
Injury Category: Escape
Severity: Significant

At the time of the 9/11 attacks, Jose Sanchez worked as a porter with American Building Maintenance located in the World Trade Center North Tower. *See* Eubanks Decl., Exh. PP, Decl. of Jose Sanchez at ¶ 3. As Mr. Sanchez stood inside the B4 Machine Shop in the North Tower on the morning of 9/11, he heard an explosion as American Airlines Flight 11 struck the building. As Mr. Sanchez went to the next room to investigate the cause of the explosion, he met a rush of air and fire in the doorway. The force of the blast slammed Mr. Sanchez up against a wall, and he received burns and injuries to his neck and back. *Id.* at ¶¶ 4-5. Mr. Sanchez attempted to escape but he could not exit through the parking lot. The room filled with smoke and debris. After several attempts by various routes, Mr. Sanchez made his way to the nearest exit. As Mr. Sanchez looked at the devastation and carnage unfolding at the North Tower, he watched in horror as the second passenger jet, United Airlines Flight 175, struck the South Tower. Debris began raining down on

top of him. To avoid the building debris, Mr. Sanchez ran into a post office. Mr. Sanchez later escaped from the World Trade Center area, and he ran towards 34th Street. He watched as the South Tower and then the North Tower collapsed. Injured and in shock, Mr. Sanchez managed to take a ferry away from New York City and to his home in New Jersey. *Id.* at ¶ 7. As a result of these terrorist attacks, Mr. Sanchez suffered burn injuries, muscle spasms, a cervical strain, and disc herniations. *Id.* at ¶ 8.

PP. Brandon Smith
Injury Category: Escape
Severity: Devastating

At the time of the 9/11 attacks, Brandon Smith worked as the Vice President of Connell Finance Company, located in Berkeley Heights, New Jersey. *See* Eubanks Decl., Exh. QQ, Decl. of Brandon Smith at ¶ 3. On September 11, 2001, Mr. Smith took the rapid transit system to New York from New Jersey to attend a meeting at 40 Wall Street. He arrived at the World Trade Center at approximately 8:35 a.m. *Id.* at ¶ 4. As Mr. Smith exited through the lobby of the North Tower, American Airlines Flight 11 struck the upper section of the building. A security guard yelled for everyone to retreat inside of the North Tower. Mr. Smith went back inside the lobby through the first set of revolving doors. *Id.* at ¶ 4. As he reached the vestibule of the entrance to the North Tower lobby, Mr. Smith ran into a ball of fire and jet fuel that had exploded out of one of the North Tower's elevator shafts. He tried to exit the area; however, extreme heat from the flames caused the revolving doors to seize. Trapped inside, Mr. Smith suffered third-degree burns to his hands, left arm, and both of his ears. *Id.* at ¶ 5. With his flesh burning away from his body, Mr. Smith forced his way through the revolving doors of the North Tower and escaped onto the street. At this point, the second passenger jet struck the South Tower. *Id.* at ¶ 6. In shock due to his devastating burn injuries and the events he had witnessed, Mr. Smith wandered the street near the World Trade Center Towers for several minutes. He found an ambulance that transported him to

a hospital. *Id.* at ¶ 7. Mr. Smith spent several weeks receiving intensive treatment for his burn injuries, and he endured two skin grafting surgeries to repair his third-degree burns. Further, due to his horrid experiences on 9/11, Mr. Smith was diagnosed with a major depressive disorder with recurrence, PTSD, an anxiety disorder, and a panic disorder.

QQ. Kathleen Stanton
Injury Category: Impact
Severity: Devastating

At the time of the 9/11 attacks, Kathleen Stanton worked with AON Risk Services. When the first plane struck the North Tower, Mrs. Stanton was in her office on the 92nd floor of the South Tower. The force of the blast blew in the windows of the South Tower building where Mrs. Stanton had been working. The floor of her office filled with smoke and she and others evacuated down the stairwell. *See* Eubanks Decl., Exh. RR, Decl. of Kathleen Stanton at ¶ 3. Mrs. Stanton found some service elevators and, as she stood in front of them, the second jet, filled with fuel, plunged into the South Tower and an "I" beam between the service elevators broke through the wall. The ceiling then collapsed on top of Mrs. Stanton. She injured her right knee and left leg, and she received serious burns to both of her feet. Mrs. Stanton also inhaled the thick toxic dust that surrounded her near the service elevators. *Id.* Despite her serious lower extremity injuries, Mrs. Stanton managed to travel down the stairwell to exit the building. She walked through broken glass and debris and crossed the street just as the South Tower collapsed. Once again, Mrs. Stanton was engulfed in the debris field from the collapsed South Tower. She fled to the river where she received treatment from medical personnel. *Id.* at ¶ 4.

As a result of the 9/11 attacks, Mrs. Stanton received the following injuries: burns to both of her feet, a right knee sprain with torn medial meniscus, severe left leg lymphedema with left leg weakness, and significant damage to her lungs from the smoke, debris, and chemicals that she inhaled. *Id.* at ¶ 5. Mrs. Stanton also now suffers from aerodigestive upper respiratory disease,

aerodigestive-obstructive airway disease, small airway disease, asthma, chronic rhinitis in her nasal tissues, gastroesophageal reflux disease, PTSD, and severe emotional distress. Lastly, Mrs. Stanton has been classified as totally disabled due to the extent of her injuries from 9/11. *Id.* at ¶¶ 6-9.

RR. Geraldine Texeira
Injury Category: Escape
Severity: Severe

At the time of the 9/11 attacks, Geraldine Texeira worked with building maintenance in the North Tower of the World Trade Center. Mrs. Texeira had been cleaning an office bathroom on the 82nd floor of the North Tower when the first passenger jet struck the building. She heard parts of the building beginning to crumble, so immediately ran to the stairwell to evacuate the building. *See* Eubanks Decl., Exh. SS, Decl. of Geraldine Texeira at ¶ 3-4. In the process of running down over eighty flights of stairs, Mrs. Texeira slipped and rolled down four or five of the cement steps. Mrs. Texeira then fell to the floor in the stairwell and people who were also running down the stairs in mass hysteria to exit the building trampled over her. Some of Mrs. Texeira's co-workers helped her to stand up despite her injuries so that she could continue to descend the stairs and exit the building. *Id.* at ¶ 5. After encountering the carnage outside of her building at Ground Zero, Mrs. Texeira left the area as quickly as possible to seek treatment for her numerous head, spine, and shoulder injuries. *Id.* at ¶¶ 5-6. Due to her fall in the stairwell, Mrs. Texeira suffered a cerebral concussion with post-concussion syndrome and lingering headaches, as well as posterior disc herniations in her neck and posterior herniations of her back and lumbar spine. Further, she suffered bilateral sciatic radiculopathy in both legs, as well as a torn right rotator cuff and bilateral shoulder sprains. After 9/11, doctors performed surgery on Mrs. Texeira's right shoulder. *Id.* at ¶ 7. Mrs. Texeira also suffers from profound PTSD, anxiety, depression, and sleep disturbances due to her experiences on 9/11. *Id.* at ¶ 7.

SS. Johnny Torres
Injury Category: Escape
Severity: Significant

At the time of the 9/11 attacks, Johnny Torres worked as a floor supervisor for office services with Oppenheimer Funds in the South Tower. Mr. Torres heard a loud explosion and the building trembled. He decided to get in the elevator to escape the attacks and rode the elevator down to the concierge level, below the street level. Mr. Torres then ran to the escalators that led back up to the street level and emerged into complete chaos. Mr. Torres moved to try to avoid the building debris, wreckage and broken glass falling all around him. While in the debris field, he inhaled and consumed massive quantities of dust, chemicals, building debris, and other harmful inhalants. *See* Eubanks Decl., Exh. TT, Decl. of Johnny Torres at ¶¶ 3-5. Mr. Torres witnessed harmful atrocities and saw the upper section of the South Tower explode into a ball of flames as a second passenger jet slammed into it. He then saw the building collapse in a cloud of dust and fire. *Id.* at ¶¶ 6-8. At that point, Mr. Torres experienced a panic attack, and he ran across the Williamsburg Bridge towards Brooklyn to get home to Queens. Mr. Torres experienced periodic chest pain on the left side, lower back pain, buttock pain, hip pain, and left leg pain that he attributed to his experience and escape following the 9/11 attacks. *Id.* at ¶ 9. Mr. Torres suffered the following injuries on September 11, 2001: significant respiratory issues, including reactive airway dysfunction syndrome, sleep apnea, GERD, and recurrent pneumonia, transient but sharp chest pain on the left side, posterior lumbar pain; buttock pain; burning hip pain, numbness of his feet, and left leg pain which radiates down the front, side, and back of his left leg. Due to what he witnessed that day, Mr. Torres also suffered and continues to suffer from PTSD, severe anxiety, and bouts of depression. *Id.* at ¶¶ 10-11.

TT. Hilda Valentine
Injury Category: Impact
Severity: Severe

At the time of the 9/11 attacks, Hilda Valentine worked as a Supervisor/Case Manager for Aon on the 100th floor of the South Tower. Mrs. Valentine was sitting at her desk when the first airplane struck the North Tower. The South Tower shook and the lights in her office began to flicker. Mrs. Valentine then made the decision as the manager that her unit should go downstairs to exit the building. *See* Eubanks Decl., Exh. UU, Decl. of Hilda May Valentine at ¶¶ 3-5. She immediately headed down the stairwell. Mrs. Valentine exited the stairwell at around the 70th floor to try to call her sister. As Mrs. Valentine went back to the stairwell to continue her descent, the second airplane struck the South Tower. The force of the blast threw Mrs. Valentine against the walls of the stairwell, and she suffered significant injuries to her head, neck, back, and left knee. Further, due to the incredibly loud sound of the explosion, Mrs. Valentine also suffered hearing damage. She consumed or inhaled large amounts of smoke and debris in the stairwell. A man grabbed her hand and encouraged her to continue down the stairwell to the ground floor. *Id.* at ¶¶ 5-7. Despite her severe injuries, Mrs. Valentine moved down the stairwell in the haze of smoke and exited out of the South Tower. As she escaped, she heard the sounds of the South Tower collapsing. *Id.* at ¶ 8. Due to the events of 9/11, Mrs. Valentine suffered multiple injuries, including injuries to her cervical neck and lumbar areas which caused herniated discs at the C6-7, L3-4, L4-5, and L5-S1 levels (with nerve impingement at the L4-L5 level), torn meniscus in her left knee, and a head injury (concussion) which caused long term memory loss and a neurocognitive disorder. She further sustained an auditory processing disorder injury as well as digestive and respiratory injuries from the toxins she inhaled at Ground Zero, including gastro-esophageal disease, chronic rhinitis, a chronic cough, and a septal deviation with sleep apnea.

Lastly, due to these traumatic events, Mrs. Valentine suffers with severe emotional distress and PTSD. *Id.* at ¶¶ 10-11.

UU. Emmanuel Vega
Injury Category: Escape
Severity: Significant

On September 11, 2001, Emmanuel Vega worked as a recruiting specialist at a firm called Snelling, located at 150 Broadway, two blocks east of the World Trade Center Towers. *See* Eubanks Decl., Exh. VV, Decl. of Emmanuel Vega at ¶ 3. Mr. Vega took the subway to work that day. As Mr. Vega stood and witnessed the carnage at the North Tower from the Fulton Street station exit, the second plane crashed into the South Tower, and a huge ball of fire ensued. Mr. Vega ran to his office building two blocks away, entered, and went upstairs. Eventually, the fire department told him, as well as his colleagues, to vacate the building. *Id.* at ¶ 3. Exiting the stairwell, Mr. Vega stepped into complete chaos. He began to run south. To avoid being crushed by falling debris from above and believing that the South Tower was falling over the top of him, Mr. Vega took cover, squeezing into the vestibule of an office building. Other people also squeezed in and crushed him against the glass. *Id.* at ¶ 4. While pressed against the glass of the building entrance, a soot and debris cloud overtook Mr. Vega, casting him in total darkness. The toxic dust entered Mr. Vega's nose, mouth, and eyes, and it felt like burning sand. Eventually, someone opened the door to the office building, and Mr. Vega and others entered the building to escape the debris cloud. At this point, Mr. Vega's arm and leg had been severely scraped and bruised by the crush of people trying to get into the building. *Id.* at ¶ 4. Eventually, Mr. Vega found his way to the Chase Manhattan Plaza, where medical personnel transported him to the hospital. *Id.* at ¶¶ 6-7. Mr. Vega suffered severe burns to his trachea from ingesting the hot soot (which also caused vomiting), and he received contusions to his arm and leg from being crushed against the exterior of the office building during his escape.

VV. Cecil Ward
Injury Category: Collapse
Severity: Severe

At the time of the 9/11 attacks, Cecil Ward worked as an insurance underwriter for Aon on the 48th floor of the South Tower. As Mr. Ward sat at his desk on the morning of 9/11, he heard a loud explosion and looked out of his office window to see that an airplane had struck the North Tower. He decided that he should leave the South Tower immediately. *See* Eubanks Decl., Exh. WW, Decl. of Cecil Ward at ¶¶ 3-4. Mr. Ward made his way down the stairwell, and when he was almost halfway to the bottom floor, a second airplane plunged into the South Tower. Before he could escape the stairwell and exit onto the ground floor, the South Tower collapsed. Mr. Ward was partially buried in the building rubble and suffered severe injuries. When Mr. Ward was able to pull himself free of the debris, he emerged into the thick cloud of smoke, dust, and debris at Ground Zero. Medical personnel then helped him to an ambulance, and rushed him to Brooklyn Hospital. *Id.* at ¶ 5. Mr. Ward suffered severe injuries during the collapse of the South Tower and his eventual escape, including a fractured left leg with extreme muscle stress and trauma, a left hip displacement, fractured ribs, and neck and back tenderness in the area of his thoracic spine. Further, due to his inhalation of toxic substances in the debris cloud at Ground Zero, Mr. Ward further suffered severe pulmonary issues, including asthma, shortness of breath, sinusitis, mild obstructive airway disease, and reactive airway disease. Lastly, he suffers from emotional distress, anxiety, bouts of depression, and post-traumatic stress disorder due to his experiences on 9/11. *Id.* at ¶¶ 7-8.

WW. Christian Waugh
Injury Category: Collapse
Severity: Significant

At the time of the 9/11 attacks, Christian Waugh worked as a firefighter with the New York Fire Department's Division Number 1 and Ladder Company Number 5. Mr. Waugh had been

tasked with driver detail that day, an assignment that involved transporting the Deputy Chief of the New York Fire Department as needed. *See* Eubanks Decl., Exh. XX, Decl. of Christian Waugh at ¶ 4. Mr. Waugh was on duty at the fire station in lower Manhattan when the first plane hit the North Tower. *Id.* at ¶ 5. He immediately drove the Deputy Chief over to the location of the World Trade Center, where they established a Command Post Station in the lobby of the North Tower. *Id.* at ¶ 6. However, when the second plane struck the South Tower, the entire lobby of the North Tower filled with massive amounts of debris and smoke. As the South Tower collapsed, the falling debris inside the North Tower and the crowd of victims rushing out of the lobby knocked Mr. Waugh to the lobby floor. He suffered significant injuries to his right knee and his spine during these events. *Id.* at ¶ 7. As the situation in the North Tower lobby quickly became a war zone, Mr. Waugh managed to exit the building and escape from the immediate danger zone. *Id.* at ¶ 8. Due to his knee injury from the events of 9/11, Mr. Waugh underwent knee surgery in November 2001. Further, Mr. Waugh also required spinal surgery in 2003 due to his back injuries suffered on 9/11. *Id.* at ¶ 10. Mr. Waugh received an accident disability retirement from the New York Fire Department due to his right knee and spinal injuries suffered on 9/11. *Id.* at ¶ 14.

XX. John David Yates

Injury Category: Impact

Severity: Devastating (Upward Departure Sought)

At the time of the 9/11 attacks, John David Yates worked at the Pentagon as a civilian employee with the job title of Security Manager. His office was located on E Ring, Corridor 2, on the Second Floor of the Pentagon. *See* Eubanks Decl., Exh. YY, Decl. of John Yates at ¶ 3. When Flight 77 struck the exterior of the Pentagon, a massive explosion and fire engulfed parts of the building. Due to these explosions, Mr. Yates received second and third degree burns over thirty-five percent of his body. Despite his devastating and life threatening burns, Mr. Yates crawled through the fire, smoke, debris, and darkness, and made his escape from the destruction to the

exterior of the Pentagon. Mr. Yates suffered devastating injuries during the attack on the Pentagon, including second and third degree burns covering thirty-five percent of his total body surface. These burns included second degree burns to Mr. Yates' face, ears, neck, upper arms, back, left leg, buttocks, and the top of his head. Mr. Yates also received third degree burns to his lower arms and hands. Due to the severity of Mr. Yates' burns, he endured three incredibly painful surgeries which involved a debridement procedure and two skin grafting procedures. Additionally, Mr. Yates suffered from significant smoke inhalation. *Id.* at ¶¶ 4-5. Mr. Yates further developed post-traumatic stress disorder due to the events that he experienced while attempting to escape the area. *Id.* at ¶¶ 4, 7. Based upon his permanent and debilitating burn injuries, Plaintiffs submit that John David Yates should be granted an upward departure from any baseline damages award for the injuries he sustained on September 11, 2001.

YY. Richard Zletz
Injury Category: Collapse
Severity: Significant

At the time of the 9/11 attacks, Richard Zletz, an antique dealer with a large store located in Greenwich Village, had traveled to lower Manhattan to meet with an attorney to discuss a legal matter. As Mr. Zletz stood at the corner of Broadway and Cedar Streets, a location that was no more than a few hundred feet from the South Tower, the South Tower collapsed. *See* Eubanks Decl., Exh. ZZ, Decl. of Richard Zletz ¶¶ 3-5. Mr. Zletz witnessed the South Tower explode and the top quarter of the tower collapse into the bottom portion. To avoid the falling building debris that began to cascade around him, Mr. Zletz quickly dove under a nearby car. A thick cloud of dust and debris then enveloped Mr. Zletz, and he soon thought that he would die. The dust cloud burned Mr. Zletz's eyes, and he felt like he was trapped under the car for hours. Mr. Zletz continued to inhale large amounts of building dust and debris as he fought for survival near Ground Zero. *Id.* at ¶ 6. At some point, someone rescued Mr. Zletz from under the car, and they helped

Mr. Zletz so that he could be taken to Downtown Beekman Hospital for the treatment of his injuries. *Id.* at ¶ 7. As a result of these terrorist attacks, Mr. Zletz suffered burns to his eyes, as well as asthma, chronic rhinosinusitis, obstructive airway disease, and obstructive sleep apnea. *Id.* at ¶¶ 9-12.

IV. Conclusion

For all of the reasons herein, as well as those set forth in the submissions of the other plaintiffs in this case and plaintiffs in the other 9/11 related cases in the *In re Terrorist Attacks on September 11, 2001* multidistrict litigation, the *Burnett/Iran* plaintiffs identified in Exhibit A respectfully request that this Court award them (1) compensatory damages for pain and suffering in amounts commensurate with the injuries these individuals sustained during the Terrorist Attacks on September 11, 2001 and in accordance with prior precedent in the U.S. District Court for the District of Columbia in similar cases factoring in an upward departure on damages values based on the indelible impact of the Terrorist Attacks of September 11, 2001; (2) prejudgment interest at the rate of 4.96 percent per annum, compounded annually for the period from September 11, 2001 until the date of the judgment; (3) leave for the *Burnett/Iran* Personal-Injury plaintiffs identified in Exhibit A to seek punitive damages, economic damages, or other damages at a later date; and (4) for all other *Burnett/Iran* Personal-Injury Plaintiffs not appearing on Exhibit A, to submit applications for damages awards in later stages, to the extent such awards have not previously been addressed.

Dated: August 9, 2021

Respectfully submitted,

/s/ John M. Eubanks

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